

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENRY M. HEARNE,) Docket No. 04-276E
Plaintiff) (Judge Maurice B. Cohill, Jr.)
vs.)
MOTION CONTROL INDUSTRIES,) ELECTRONICALLY FILED PLEADING
DIVISION OF CARLISLE)
CORPORATION, RETIREMENT PLAN)
FOR BARGAINING UNIT EMPLOYEES)
OF MOTION CONTROL INDUSTRIES,) DEFENDANTS' PROPOSED ORDER ON
DIVISION OF CARLISLE) MOTION FOR SUMMARY JUDGMENT
CORPORATION,)
Defendants) Filed on behalf of: Defendants
) Counsel of record for this party:
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)

DEFENDANTS' PROPOSED ORDER ON
MOTION FOR SUMMARY JUDGMENT

AND NOW, this ____ day of _____, 2006, it is hereby ORDERED that
Defendants' Motion for Summary Judgment is GRANTED, the Court having found that (1)
Plaintiff has failed to exhaust his administrative remedies under the Plan Documents, and, as an
additional basis for dismissal, (2) based on the plain language of the Plan Documents Plaintiff is
not eligible to receive Disability Retirement Benefits. Judgment is hereby entered against
Plaintiff and in favor of defendants, and the Clerk of Court is directed to mark this case as
CLOSED.

HONORABLE MAURICE B. COHILL, JR.